REMARKS

Claims 1-21 were presented for examination in the present application. The instant amendment adds new claim 22. Thus, claims 1-22 are presented for consideration upon entry of the instant amendment. Claims 1, 9, and 22 are independent.

Independent claims 1 and 9, as well as dependent claims 2-8 and 10-21, were rejected under 35 U.S.C. §103 over U.S. Publication No. 20030021234 to Soltysiak et al. (Soltysiak) in view of U.S. Publication No. 20030063566 to Ambramovitch et al. (Ambramovitch).

Applicant respectfully maintains the traversal previously presented. None-the less, and in the interest of expediting prosecution, independent claims 1 and 9 have been clarified to point out various aspects of the present application that are not disclosed or suggested by the proposed combination of Soltysiak and Ambramovitch.

Independent claim 1 has been clarified to recite that "each of the data records is expected by at least one network subscriber and used to determine whether the data packets have been transmitted incorrectly or correctly before the respective data packets are completely received by the at least one network subscriber (emphasis added)".

Soltysiak discloses identifying and counting bit errors that occur during a predetermined monitoring period. Thus, Soltysiak merely counts a number of errors once these transmissions are complete and not before as now claimed.

The Office Action asserts that Abramovitch "teaches that the DUT is effectively a transmission media across which an expected data record is sent and received". See page 3, lines 4-5. If this assertion is taken to be accurate, then the error of the device under test is also determined by Abramovitch after the data packets are completely

received and not <u>before</u> as now claimed.

Accordingly, Applicant submits that the proposed combination of cited art fails to disclose or suggest independent claim 1, or claims 2-8 that depend therefrom. Therefore, claims 1-8 are in condition for allowance. Reconsideration and withdrawal of the rejection to claims 1-8 are respectfully requested.

Independent claim 9 has been clarified to recite, in part, "means for determining, <u>before the respective data packets are completely received by the network subscribers,</u> incorrectly and correctly transmitted data packets on the basis of an expected data record which is embedded within the payload data of each data packet (emphasis added)".

Again, Applicant respectfully submits that Soltysiak merely counts a number of errors once these transmissions are complete, while Abramovitch determines the error of the device under test after the data packets are completely received.

Accordingly, Applicant submits that the proposed combination of cited art fails to disclose or suggest the determining means of claim 9 that determines, incorrectly and correctly transmitted data packets <u>before the respective data packets are completely received by the network subscribers</u>. Therefore, claim 9, as well as claims 10-21 that depend therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejection to claims 9-21 are respectfully requested.

Claim 22 has been added to point out various aspects of the present application. Support for claim 22 can be found at least in original claim 1, as well as in the original specification at page 4, lines 11-25. No new matter is added.

Claim 22 is believed to be in condition for allowance. For example, claim 22 recites the step of "performing a safety-relevant verification of the transmission with respect to compliance with an error-based limit value by checking a transmitted data
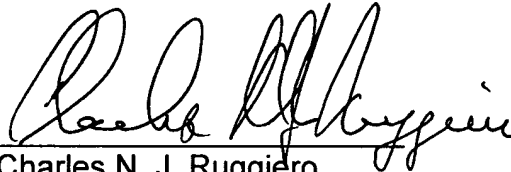
record against the expected data record, <u>before</u> the transmitted data packets are completely received by the intended network subscribers".

Applicants submit that the proposed combination of Soltysiak and Abramovitch fail to disclose or suggest the claimed combination.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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